

ARCHER & GREINER, P.C.
Allen G. Kadish
630 Third Avenue
New York, New York 10017
Tel: (212) 682-4940
Fax: (212) 682-4942
Email: akadish@archerlaw.com

Hearing Date: April 10, 2018
Hearing Time: 10:00 a.m.

*Special Litigation Counsel for
Robert L. Geltzer, Chapter 7 Trustee, Plaintiff*

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In re:

Chapter 7

MUNDO LATINO MARKET INC.,

Case No. 16-11349 (SMB)

Debtor.

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ROBERT L. GELTZER, as
Chapter 7 Trustee of
Mundo Latino Market Inc.,

Adv. Pro. No. 18-01013 (SMB)

Plaintiff,

v.

KATHRYN L. BEDKE,

Defendant.

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**RESPONSE OF ROBERT L. GELTZER, CHAPTER 7 TRUSTEE,
IN OPPOSITION TO MOTION OF DEFENDANT FOR EXTENSION OF TIME
TO ANSWER OR MOVE WITH RESPECT TO THE TRUSTEE'S COMPLAINT**

TO THE HONORABLE STUART M. BERNSTEIN,
UNITED STATES BANKRUPTCY JUDGE:

ROBERT L. GELTZER, as chapter 7 trustee (the "**Trustee**") of the estate of MUNDO LATINO MARKET INC., debtor (the "**Debtor**"), and plaintiff in the captioned adversary proceeding, by and through his undersigned counsel, respectfully responds to the *Motion for*

Extension of Time to Answer or Move with Respect to the Trustee's Complaint, dated March 12, 2018 [Docket Nos. 6 and 7] (the "**Motion**"), of defendant Kathryn L. Bedke (the "**Defendant**"), and in respect whereof, respectfully sets forth as follows.

BACKGROUND

1. The Debtor filed a voluntary petition for relief under chapter 11 of the United States Bankruptcy Code (the "**Bankruptcy Code**") on May 11, 2016.

2. On September 16, 2016, the United States Bankruptcy Court for the Southern District of New York (the "**Court**") entered an order converting the Debtor's Chapter 11 case to a case under Chapter 7.

3. The Trustee was appointed as the interim Chapter 7 trustee of the Debtor, accepted his appointment, duly qualified and is acting as the Trustee.

4. The Trustee commenced the captioned adversary proceeding on February 8, 2018 by filing a complaint (the "**Complaint**") against Defendant Kathryn L. Bedke pursuant to, *inter alia*, sections 323, 541 and 704 of the Bankruptcy Code, Rule 7001(1) of the Federal Rules of Bankruptcy Procedure, sections 715, 717 and 720 of the New York Business Corporation Law and applicable common law, seeking damages for breach of fiduciary duty, corporate waste, and negligence.

5. The summons was served on February 16, 2018. The original deadline for the Defendant to answer or move with respect to the Complaint was March 14, 2018.

RESPONSE AND OBJECTION

6. In the Motion, the Defendant seeks an extension of her time to answer or otherwise move with respect to the Complaint through May 14, 2018. This is a request for a sixty-day extension after the original answer date, or three-and-a-half months after the filing of the Complaint.

7. The Trustee has already agreed to provide a thirty-day extension to answer or move with respect to the Complaint. The Trustee maintains a thirty-day extension is fair and adequate and respectfully asserts that the time to answer or move should not unreasonably be extended.

CONCLUSION

WHEREFORE, the Trustee respectfully requests that the Court (i) deny the relief sought in the Motion, and (ii) grant him such other and further relief as this Court may deem just and proper.

Dated: New York, New York
March 27, 2018

ARCHER & GREINER, P.C.

By: 

Allen G. Kadish

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New York, New York 10017

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Special Litigation Counsel for

Robert L. Geltzer, Chapter 7 Trustee, Plaintiff